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EXTRAORDINARY

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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF HEALTH

NOTIFICATION

New Delhi, the 5th February 1965

G.S.R. 216.—In exercise of the powers conferred by sections 4 and 32 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following rules relating to the election of members under clause (d) of sub-section (1) of section 3 of the said Act, namely:—

1. These rules may be called the Indian Medical Council (Election of Licentiatees) Rules, 1965.
2. In these rules, unless the context otherwise requires—
 - (a) 'Act' means the Indian Medical Council Act, 1956 (102 of 1956);
 - (b) 'Council' means the Medical Council of India constituted under the Act;
 - (c) 'Form' means a form annexed to these rules;
 - (d) 'Returning Officer' means any officer appointed as such by the Central Government for the purposes of these rules and includes any Assistant Returning Officer appointed by the Central Government for such purposes;
 - (e) 'section' means a section of the Act.

3. All persons whose names are enrolled on any of the State Medical Registers and who possess the medical qualifications included in Part I of the Third Schedule to the Act shall be entitled to vote at the election of a member under section 3(1)(d) and to stand as candidates for such election.

4. The register of medical practitioners known as the Indian Medical Register maintained under section 21 in so far as it relates to such medical practitioners as possess the medical qualifications included in Part I of the Third Schedule shall be the electoral roll for the electorate specified in section 3(1)(d). Each Registrar of a State Medical Council shall inform the Returning Officer, within 60 days of the receipt of a notice for election, of all additions and alterations in the said Register to make it up to date. Copies of the Register and the list or lists, if any, shall be posted at the offices of the Returning Officer and of the State Medical Councils.

5. The Returning Officer shall call upon persons included in the electoral roll to elect such number of members as the Council may specify.

6. If any question arises as to whether a person is or is not entitled to vote in the election or to stand for the election, the question shall be referred to the Returning Officer whose decision shall be final.

7. The Returning Officer shall appoint and shall notify in the Official Gazette and in such other manner as he thinks fit, the date, time and place for—

- (a) the receipt of the nomination papers and their scrutiny;
- (b) the despatch of voting papers to the electors;
- (c) the poll; and
- (d) the scrutiny and counting of votes.

8. Any person qualified to stand for election under these rules may be nominated as a candidate for election. Such nomination shall be made by means of a nomination paper in Form I, which shall be supplied by the Returning Officer to any elector who may apply for the same.

9. (1) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more nomination papers than there are seats to be filled up:

Provided further that if more than the prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than the prescribed number of nomination papers signed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

(2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereupon the date and hour of receipt.

10. A nomination paper which is not received before the date and the time appointed in that behalf shall be rejected.

11. (1) On the date and at the time appointed by the Returning Officer for the scrutiny of the nomination papers, the candidates and the proposer and seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.

(2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.

12. (1) Any candidate may withdraw his candidature before the time appointed for the scrutiny of nomination papers by notice in writing signed by him and delivered to the Returning Officer. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(2) The Returning Officer shall, on receiving a notice of withdrawal, publish the fact of such withdrawal in the Official Gazette.

13. If the number of duly nominated candidates who stand for election does not exceed the number of members to be elected, the Returning Officer shall forthwith declare such candidate or candidates to be duly elected.

14. If the number of such candidates exceeds the number of members to be so elected, the Returning Officer shall forthwith publish their names and addresses in the Official Gazette and shall further cause their names to be entered in the voting papers in Form II.

15. (1) If a poll is found necessary, the Returning Officer shall, thirty days before the date appointed thereto, send by air mail to an elector residing or practising abroad and by post to any other elector a letter of intimation in Form IV together with a numbered declaration paper in Form III, a voting paper in Form II containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector:

Provided that the voting paper and other connected papers may also be sent to any elector on his applying to the Returning Officer for the same before the date appointed for the poll, if the Returning Officer is satisfied that the papers have not been sent to him.

(2) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before his return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and request the Returning Officer not later than seven days before the date appointed for the poll to send him fresh papers and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.

(3) No election shall be invalid by reason of the non-receipt by an elector of his voting paper.

16. Each elector shall have the right to vote for as many candidates as there are seats to be filled. The vote shall be non-transferable.

17. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the date fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

18. On receipt by registered post of the envelopes containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

19. The Returning Officer shall open the outer envelopes immediately after 5 p.m. on the day fixed for the poll at the place to which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time the outer envelopes are opened.

20. (1) A voting cover shall be rejected by the Returning Officer if—

- (a) the outer envelope contains no declaration paper outside the voting paper cover, or
- (b) the declaration paper is not the one sent by the Returning Officer, or
- (c) the declaration paper is not signed by the elector, or
- (d) the voting paper is placed outside the voting paper cover, or
- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

(2) In each case of rejection, the word "rejected" shall be endorsed on the voting paper cover and the declaration paper.

(3) After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 24.

21. (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes at the date, time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.

(2) All the voting paper covers, other than those rejected under rule 20, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.

(3) A voting paper shall be invalid if—

- (a) it does not bear the Returning Officer's initials, or facsimile signature; or
- (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
- (c) no vote is recorded thereon; or
- (d) the number of votes recorded thereon exceeds the number to be filled; or
- (e) it is void for uncertainty of the vote exercised.

(4) Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

(5) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives at the time of scrutiny and counting of votes.

(6) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(7) The Returning Officer shall nominate such number of scrutineers as he thinks fit in accordance with such directions as may be issued in this behalf by the Central Government.

22. (1) When the counting of the votes has been completed, the Returning Officer shall draw up a list of candidates in the order of highest votes polled by each and shall declare the result of the successful candidates in that order according to the number of seats to be filled up.

(2) When an equality of votes is found to exist among any candidates and there is difficulty in declaring the result, the determination of the person or persons who shall be deemed to have been elected shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

23. The Returning Officer as soon as the result is declared shall inform the successful candidate by letter of his being elected to the Council. If any candidate thus shown to be elected refuses to accept election, then in the place of that candidate, one of the remaining candidates to whom the next largest number of votes have been given shall be held to have been elected and the same procedure shall be followed as often as a vacancy is caused in this way.

24. Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and he shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Central Government.

25. The Returning Officer shall intimate the name of the elected candidate to the Central Government.

26. (1) The Central Government may, on objection made by a candidate for any election within a period of fifteen days from the date of election of the returned candidate, or of its own motion at any time, declare the election to be void on account of bribery, undue influence or other corrupt practice which, in

the opinion of the Central Government, has interfered with the free and fair conduct of the election or for any other sufficient cause, and may call on the electorate to make a fresh election.

(2) The decision of the Central Government under this rule shall be final.

27. The first election under clause (d) of sub-section (1) of section 3 shall be held as early as possible after the Indian Medical Register has been published and brought up to the last day of the year preceding the year in which the register is published. Pending the preparation of such register, the members referred to in that clause shall be nominated by the Central Government.

28. The decision of the Central Government shall be final on any question that may arise as to the intention, construction or application of these rules.

FORM I

NOMINATION PAPER

(See Rule 8)

Election under clause (d) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956.

1. Name of Candidate.
2. Father's name.
3. Age.
4. Nature of qualification.
5. Registered number in the State Medical Register.
6. Serial number in the Indian Medical Register.
7. Address.
8. Signature of proposer.
9. Registered number of proposer in the State Medical Register and the serial number in the Indian Medical Register.
10. Signature of seconder.
11. Registered number of seconder in the State Medical Register and the serial number in the Indian Medical Register.

Declaration by the candidate

I hereby declare that I agree to this nomination.

Signature of the candidate.

This nomination paper was received by me at hour on the _____ (date).
Returning Officer.

INSTRUCTIONS

1. Nomination papers which are not received by the Returning Officer before _____ hour on the _____ date will be invalid.
2. The names of the proposer and seconder, as they appear in the Indian Medical Register or the State Medical Register and their registered qualifications should also be clearly written below their respective signatures.

FORM II—VOTING PAPER

(See rule 14)

Serial No.

Voting paper

* _____ member(s) is/ are to be elected under section 3(1)(d) of the Indian Medical Council Act, 1956 to the Indian Medical Council.

Serial Number	Names and addresses of candidates duly nominated.	Vote
—	—	Returning Officer

Instructions

1. Each elector has the right to vote for as many candidates as is the number of members to be elected.
2. He shall vote by placing the mark 'X' opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if—
 - (a) it does not bear the Returning Officer's initials or facsimile signature; or
 - (b) the voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his voting paper; or
 - (c) no vote is recorded thereon; or
 - (d) if the mark is so placed as to render it doubtful to which candidate it is intended to apply.

*Number to be indicated.

FORM III

[See rule 15(1)]

DECLARATION PAPER

Election to the Indian Medical Council under section 3(1) (d) of the Indian Medical Council Act, 1956.

Serial Number _____

Elector's name _____

Number on the _____

State Medical
Register and
serial number
in the Indian
Medical Register.

Elector's declaration.

I _____ (name in full, and designation, if any) declare that I am an elector for the election of a member, to the Medical Council of India by the electorate under clause (d) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 and that I have signed no other voting paper at this election.

Station _____

Signature _____

Date _____

FORM IV

[See rule 15(1)]

LETTER OF INTIMATION

Sir/Madam,

The persons whose names are printed on the voting paper sent herewith, have been duly nominated as candidates for election under section 3(1) (d) of the Indian Medical Council Act, 1956, to the Medical Council of India. Should you desire to vote at the election, I request that you will—

- (a) fill up and sign the declaration paper;
- (b) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper;
- (c) enclose the voting paper in the smaller cover and stick it up; and
- (d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 P.M. on the _____ of 19_____

2. The voting paper will be rejected if—

- (a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or
- (b) the outer envelope contains no declaration paper outside the smaller cover; or
- (c) the voting paper is placed outside the voting paper cover; or
- (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
- (f) the declaration is not signed by the elector; or
- (g) the voting paper is invalid.

3. A voting paper will be invalid, if—

- (i) it does not bear the Returning Officer's initials or facsimile signature; or
- (ii) a voter signs his name or writes any word or makes any mark by which it becomes recognisable as his voting paper; or
- (iii) no vote is recorded thereon; or
- (iv) the number of votes recorded thereon exceeds the number to be filled; or
- (v) it is void for uncertainty of the vote exercised.

4. If a voter inadvertently spoils a voting paper, he can return it, not later than seven days before the date appointed for the poll, to the Returning Officer who will, if satisfied of such inadvertence, issue to him another voting paper.

5. The scrutiny and counting of votes will begin on _____ (date) at _____ (hour).

6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorised representatives.

Returning Officer

[No. F.4-3/65-MPT.]

B. B. L. BHARADWAJ, Under Secy.

